

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WE THE PATRIOTS USA, INC., *et al.*

Plaintiffs,

vs.

No. 1:23-cv-00773-DHU-LF

MICHELLE LUJAN GRISHAM, *et al.*,

Consolidated with:

Defendants.

No. 1:23-cv-00771-DHU-LF

No. 1:23-cv-00772-DHU-LF

No. 1:23-cv-00774-DHU-LF

No. 1:23-cv-00778-DHU-LF

No. 1:23-cv-00839-DHU-LF

**DEFENDANTS GOVERNOR LUJAN GRISHAM, SECRETARY PATRICK
ALLEN, SECRETARY JASON BOWIE, AND CHIEF TROY WEISLER'S OPPOSED
MOTION TO EXTEND TIME TO RESPOND TO EMERGENCY MOTION FOR
INJUNCTION PENDING APPEAL**

DEFENDANTS Governor Michelle Lujan Grisham, Secretary Patrick Allen, Secretary Jason Bowie, and Chief Troy Weisler, by and through their counsel of record, and hereby submit their Motion to Extend their time to respond to plaintiffs' Emergency Motion for Injunction Pending Appeal (Doc. 37, filed 10/20/2023). In support thereof, Defendants state as follows:

1. On October 19, 2023, plaintiffs We the Patriots, USA, Inc., and Dennis Smith filed their Notice of Appeal as to the Court's Order on Motion for Preliminary Injunction (Doc. 31).
2. On October 20, 2023, plaintiffs We the Patriots, USA, Inc., and Dennis Smith filed an "Emergency Motion for Injunction Pending Appeal (Relief Requested By 5:00 PM, October 23, 2023)."

3. Also on October 20, 2023, plaintiffs Firearms Policy Coalition, Inc., Zachary Fort, New Mexico Shooting Sports Association, and Second Amendment Foundation filed their Notice of Appeal (Doc. 34).
4. On October 27, 2023, plaintiffs Firearms Policy Coalition, Inc., Zachary Fort, New Mexico Shooting Sports Association, and Second Amendment Foundation filed their Emergency Motion for Preliminary Injunction Pending Appeal (Doc. 41).
5. Given that the two pending emergency motions for injunctions pending appeal cover largely similar subject matter, Defendants proposed to respond to both pleadings simultaneously on November 10, 2023. Accordingly, Defendants contacted counsel for plaintiffs We the Patriots and Dennis Smith and requested that their time to respond to plaintiffs' Emergency Motion be extended by one week. Plaintiffs We the Patriots and Dennis Smith oppose the one-week extension.
6. Allowing Defendants to submit a simultaneous or even single response to the pending Emergency Motions for Preliminary Injunction is a better use of time for the parties and the Court.
7. Granting Defendants a one-week extension will not prejudice any parties, as the Court has already denied the requested preliminary injunctive relief, and there is no reason Plaintiffs cannot request an injunction pending appeal from the Tenth Circuit at this time. *See* Fed. R. App. P. 8(a) (requiring only that a party seeking an injunction pending appeal “move first” in the district court).

Conclusion

For the foregoing reasons, Defendants request the Court extend their time to respond to plaintiffs' Emergency Motion for Preliminary Injunction (Doc. 37) by one week until November 10, 2023, and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

Serpe | Andrews, PLLC

/s/ Cody R. Rogers

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Certificate of Service

I hereby certify that on November 6, 2023, I filed the foregoing through this Court's CM/ECF Filing System, causing a true and correct copy of the same to be served upon all counsel of record as more fully reflected in the Notice of Electronic Filing.

/s/ Cody Rogers

Cody Rogers
Serpe | Andrews, PLLC